

Appl. No. 10/728,914  
Amendment dated February 17, 2006  
Reply to Office Action of November 17, 2005

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes changes to Figures 4, 6, and 19. These sheets of Figures 4, 6, and 19 replace the original sheets of Figures 4, 6, and 19.

Attachment: 3 replacement sheets

### REMARKS

In the November 17, 2005 Office Action, the title is objected to and claims 7-12 stand rejected in view of prior art, while claims 1-6 are indicated as being allowable over the prior art of record. No other objections or rejections are made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the November 17, 2005 Office Action, Applicants have amended the title and claim 7 as indicated above. The specification, drawings, and claims 1-2, 5, 8-10, and 12 have also been amended to correct typographical errors to clarify the language. Applicants believe that these amendments to claims 1-2, 5, 8-10, and 12 do not narrow the scopes of the claims. Applicants also wish to thank the Examiner for the indication of allowance and thorough examination of this application. Thus, claims 1-12 are pending, with claims 1 and 7-10 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

#### ***Drawings***

Applicants found a few typographical errors in Figures 4, 6, and 19. Accordingly, Applicants wish to amend Figures 4, 6, and 19 as shown in the attached replacement sheets.

More specifically, Figure 4 has been amended to move the “No” arrow that was erroneously attached to Step S130 to Step S131. In view of the description in paragraph [00109] of the specification, Applicants believe that no new matter has been added by this amendment to Figure 4.

Figure 6 has been amended to correct the description in Step S165. In view of the description in paragraph [00129] of the specification, Applicants believe that no new matter has been added by this amendment to Figure 6.

Figure 19 has been amended to add the notation of Step S82. In view of the description in paragraph [00203] of the specification, Applicants believe that no new matter has been added by this amendment to Figure 19.

Applicants believe that the drawings now comply with 37 CFR §1.83(a).

#### ***Specification***

In paragraph 1 of the Office Action, the title is objected to as being too generic. In response, Applicants have amended the title as presented above.

Applicants believe that the title is now sufficiently descriptive. Withdrawal of the objection is respectfully requested.

Furthermore, Applicants have found typographical errors in the specification upon review thereof. Accordingly, Applicants have amended the specification to correct the typographical errors.

***Rejections - 35 U.S.C. § 102***

In paragraphs 2-3 of the Office Action, claims 7-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,508,186 to Sashiki et al. ("Sashiki patent"). In response, Applicants have amended independent claim 7 to clearly define the present invention over the prior art of record. Applicants also respectfully traverse the rejections to 8-12.

**Claim 7**

Independent claim 7 has been amended to recite that a quantity of article to be supplied from one of the feeder to one of the second hoppers is controlled ***based on a deviation between the target value and the measurement value of the article in the second hopper that has been supplied by the feeder.*** This limitation is supported by Figures 5 and 6 and paragraphs [00120]-[00124] and [00128] of the specification. In other words, the arrangement of claim 7 requires that feed back control within ***one set of a feeder and a second hopper***, such that the quantity of article to be supplied from a feeder to a second hopper be controlled based on the quantity of the article that was supplied from the feeder to the second hopper the previous time. Clearly, this structure is ***not*** disclosed or suggested by the Sashiki patent or any other prior art of record.

The Sashiki patent discloses a technology that aims to weigh a batch of articles with a greater accuracy by maintaining the mean value of the amounts of articles fed to the weighing stations at a certain optimum mean value. (Column 6, lines 20-25). To achieve this goal, the weighing apparatus of the Sashiki patent divides its hoppers to regular weighing hoppers 12 and auxiliary weighing hoppers 41, 42 (Figure 4). One of the auxiliary weighing hoppers 41, 42 always outputs articles therefrom, while the regular weighing hoppers 12 output articles therefrom only when they are selected in the combination calculation. (Column 10, line 37 – column 11, line 20.) The deviation of the mean value of the amounts of articles in the unselected regular weighing hoppers 12 from the optimum mean value is calculated and

added to the amount Ws, which is the amount to be fed to the auxiliary weighing hopper. (Column 12, lines 16-30). In this manner, the weighing apparatus of the Sashiki patent maintains the mean value of the weighing hoppers at the optical mean value.

In other words, the arrangement of the Sashiki patent controls the quantity of articles to be supplied to the auxiliary weighing hopper in order to ***balance the fluctuations in the amounts of articles in all the weighing hoppers***. This is clearly different from the arrangement of claim 7 as currently amended, which requires the feedback control within ***one set of a feeder and a second hopper***.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 7 as now amended is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Claim 8

Claim 8 as originally filed requires that the quantity of articles to be supplied from the feeders to the second hoppers be controlled such that ***the total measurement value of one set of first and second hoppers does not exceed the predetermined value***. This feature ensures that, at the time additional article supply is to be conducted after an incomplete combination calculation, an over-scale state will not result. (Figure 4, paragraphs [00110]-[00115]) As discussed above, the Sashiki patent concerns control of the quantity of article to be supplied to the auxiliary weighing hopper to ***balance the fluctuations in the amounts of articles in all the weighing hoppers***. This is clearly different from the arrangement of claim 8.

Therefore, Applicants respectfully submit that claim 8 as originally filed is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Claim 9

Claim 9 as originally filed requires that ***another combination calculation*** be performed ***using first and second hoppers*** when the first combination calculation using only the first hoppers was ***not*** complete, and that article in the second hopper that was selected in the second combination calculation be supplied to the corresponding first hopper. (Figures 19-20, paragraphs [00202]-[00205]). Clearly, there is no description or suggestion of conducting a combination calculation using two different layers of hoppers in the Sashiki

patent. Thus, Applicants believe that the arrangement of claim 9 as originally filed is not disclosed or suggested by the Sashiki patent.

Therefore, Applicants respectfully submit that claim 9 as originally filed is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

**Claim 10**

Claim 10 as originally filed requires that, when a first combination calculation using only the first hoppers was *complete, a secondary combination calculation* be performed *using the second hoppers and first hoppers not selected in the first combination calculation.* (Figures 19-20, paragraphs [00202]-[00205]). Clearly, there is no description or suggestion of conducting a combination calculation using two different layers of hoppers in the Sashiki patent. Thus, Applicants believe that the arrangement of claim 10 as originally filed is not disclosed or suggested by the Sashiki patent.

Therefore, Applicants respectfully submit that claim 10 as originally filed is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 11-12 are also allowable over the prior art of record in that they depend from independent claim 10, and therefore are narrower. Thus, Applicants believe that since the prior art of record does not anticipate or suggest the independent claim 10, neither does the prior art anticipate or suggest dependent claims 11-12.

Applicants respectfully request withdrawal of the rejections.

***Allowable Subject Matter***

In paragraph 4 of the Office Action, claims 1-6 are indicated as allowed. Applicants wish to thank the Examiner for this indication of allowance and the thorough examination of this application. Applicants have amended claims 1-2 and 5 to correct the typographical errors thereof. Applicants believe that these amendments to claims 1-2 and 5 have no effect on the scopes of the claims.

***Prior Art Citation***

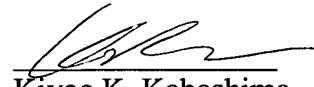
In the Office Action, additional prior art references are made of record. Applicants believe that these references do not render the claimed invention obvious.

\* \* \*

Appl. No. 10/728,914  
Amendment dated February 17, 2006  
Reply to Office Action of November 17, 2005

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-12 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
Kiyoe K. Kabashima  
Reg. No. 54,874

SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: Feb 17, 2006

G:\02-FEB06-MTIS-US030582 Amendment.doc